

## **Victims' Compensation Assistance Program Advisory Council**

**October 21, 2019**

**Victims' Compensation Assistance Program Conference Room  
900 N. King Street, 4<sup>th</sup> Floor  
Wilmington, DE 19801**

**Members Present:** Deb Reed, Chair, police advocate; Ernst Arndt, Kent County public member; Jane Curschmann, New Castle County public member; Abby Layton, Department of Justice; Melissa Pennachi, Delaware Victims' Rights Task Force.

**Nonmembers Present:** Paige Schmittinger, Executive Director; Dale Wyatt, VCAP Senior Investigator; Tiffany Bull, Carolyn Becker

### **Welcome and Introductions**

The meeting was called to order at 10:08 a.m. Introductions were made.

### **Approval of the Minutes**

Minutes were approved from the May 15, 2019 meeting with a motion by Deb Reed and a second by Ernst Arndt; however, it was determined during the writing of these minutes that there was not a quorum present, so the minutes will be re-reviewed for approval at the next scheduled meeting.

### **Old Business**

#### **Financial Report**

Paige Schmittinger handed out and reviewed the financial report and a draft version of Annual Report. The crime victim fund balances as of June 30, 2019 total \$3,174,734.59. For fiscal year ending June 30, 2019, VCAP rendered 3,055 payments to and on behalf of victims of crime totaling \$2,232,009.19.

#### **Membership vacancy**

Kristin Froehlich's resignation was accepted by the Governor's office September 30, 2019, which creates a vacancy for the mental health profession at-large member.

#### **Funeral and Burial Benefits**

There was further discussion surrounding the need to potentially increase the funeral and burial benefit. VCAP Executive Director Paige Schmittinger met with the Attorney General in July where this was discussed. Paige Schmittinger has presented the research that has been done to calculate an appropriate benefit cap. Paige presented a compilation of the funeral benefit amounts nationwide, which was provided by the Executive Director of the National Association of Crime Victim Compensation Boards, Dan Eddy. Paige also presented an analysis that was done into the funeral invoices from FY 2013 (the last year the funeral benefit was \$8,500) and FY 2019 (the most current fiscal year). In FY 2013, the average invoice was \$7,541.41 and the median invoice was \$8,832.36. In FY 2019, the average invoice was \$6,942.44 and the median invoice was \$6,062.36.

The goal of the Council continues to be to make sure that eligible families can have a funeral and burial without having to pay anything out-of-pocket unless they want to. The current funeral benefit is in line with the national average; however, it was discussed that it may be helpful to break out the funeral and burial benefit to make them separate and distinct benefits. Chair Deb Reed expressed that there is a need to increase the benefit; however, the increase should benefit the family and not the funeral home. The shared concern is that the VCAP benefit could drive the cost of funerals in cases involving victims of crime and their families.

Paige Schmittinger also reviewed the proposed Officer Certification Form and explained that this will assist VCAP in being consistent and uniform for the purpose of making eligibility determinations and for any future audits. Paige also reviewed the form letter being sent to funeral homes in homicide cases where an eligibility determination cannot be made immediately. Both Melissa Pennachi and Deb Reed vocalized their support of the use of these two documents.

### **Bradley Claims**

Paige Schmittinger presented the standard decision letter that is now utilized when Bradley victims apply for VCAP. This letter directs individuals to the Bradley Latent Injury Trust and the Beebe Medical Card Program. VCAP is taking on the administration of the Beebe Medical Card Program, so that will be one less hurdle for these victims receiving services. The Bradley Latent Injury Trust is available until August 2027. At that time, any remaining funds will have to be divided *pro rata* to all victims of Bradley.

### **New Business**

#### **Statutory and Regulation Changes**

Paige Schmittinger met with Chief Deputy Attorney General Alex Mackler and State Prosecutor AJ Roop in mid-June regarding the need to lift the statutory staffing cap of 8 VCAP employees. There was a follow-up discussion regarding the statute and regulations that occurred July 30<sup>th</sup> and involved the Attorney General.

At the National Compensation Conference, it was stressed that every aspect of the administration of the compensation program needs to be reduced to writing. The “best practice” is to do that through regulation or administrative code. This is a large undertaking.

Further identified areas where statutory and regulation changes are needed are: restitution, funeral, mental health counseling, temporary housing, lost wages, and loss of support. To help tackle this undertaking, Paige has scheduled strategic planning meetings with VCAP staff in conjunction with the VCAP Advisory Council meetings in order to move the ball forward.

### **Trends and Comments**

- From VCAP:  
One of the trends nationwide for compensation programs is the implementation of online application processes. Paige Schmittinger did a brief demo of the online application portal that is being developed for Delaware VCAP. The hope is that the portal can be rolled out in early 2020.
- There were no trends presented from the VCAP Advisory Council or from the Advocacy Community.

**Public Comment**

There was no official public comment made; however, Tiffany Bull was a nonmember that was present and she asked a few general, clarifying questions during the Council meeting.

**Meeting adjourned at 11:30 a.m.**